

AF

Docket No.: 1572.1174

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Younesang LEE

Serial No. 10/690,609

Confirmation No. 2618

Filed: October 23, 2003



Group Art Unit: 2618

Examiner: Fayyaz ALAM

For: PORTABLE COMPUTER AND METHOD FOR PROVIDING WIRELESS NETWORK
ACCESSIBILITY STATUS

REQUEST FOR WITHDRAWAL OF FINALITY

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant is in receipt of a final Office Action mailed March 22, 2007, in the subject application. However, Applicant respectfully submits that the finality of the subject Office Action is not proper because it introduces a new ground of rejection not necessitated by a claim amendment or Information Disclosure Statement (IDS). In support of this request, Applicant states the following:

1. In a non-final Office Action mailed October 6, 2006, all of the pending claims (claims 1-11) were rejected under 35 U.S.C. § 103.
2. On January 5, 2007, in response to the non-final Office Action, Applicant filed a Request for Reconsideration. No claims were amended in that Request.
3. In the final Office Action mailed March 22, 2007, claims 1-4, 6, 7, and 9-11 were rejected under 35 U.S.C. § 103. Additionally, claims 5 and 8 were rejected under 35 U.S.C. § 102.

4. The rejection under 35 U.S.C. § 102 is a new ground of rejection first asserted in the final Office Action mailed March 22, 2007. Further, this new ground of rejection was neither necessitated by Applicant's amendment of the claims nor based on information submitted in an IDS. Indeed, Applicant has not amended any claim and has not filed an IDS since before the mailing date of the non-final Office Action.

5. The Section 706.07(a) of the Manual of Patent Examining Procedure expressly instructs that second or any subsequent actions on the merits are not properly made final when the examiner introduces a new ground of rejection that is neither necessitated by applicant's amendment of the claims nor based on information submitted in an information disclosure statement filed during the period set forth in 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p).

Accordingly, for the foregoing reasons, Applicant respectfully request withdrawal of the finality of the outstanding Office Action mailed March 22, 2007.

Respectfully submitted,

STAAS & HALSEY LLP

Date: 3-30-07

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